

AMENDED IN SENATE JANUARY 16, 2004

SENATE BILL

No. 558

Introduced by Senator Ducheny

February 20, 2003

An act to amend Section 65913,1 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 558, as amended, Ducheny. Local residential zoning: vacant land.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. In exercising its authority to ~~zone-plan~~ for land uses, a city or county is also required to *identify an inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and to designate and zone sufficient vacant land for residential use with appropriate standards in relation to zoning for nonresidential use and to growth projections of the general plan in order to identify the total housing needs in the element.*

~~This bill would revise these provisions to define “sufficient vacant land for residential use” for these purposes, except as specified.~~

This bill would declare the Legislature’s intent to require each city, county, and city and county to make available sufficient land to accommodate the jurisdiction’s 20-year need for housing.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1.—Section 65913.1 of the Government Code is~~

~~SECTION 1. It is the intent of the Legislature that each city, county, and city and county should make available sufficient land to accommodate the jurisdiction's 20-year need for housing.~~

~~amended to read:~~

~~65913.1.—(a) In exercising its authority to zone for land uses and in revising its housing element pursuant to Article 10.6 (commencing with Section 65580) of Chapter 3, a city, county, or city and county shall designate and zone sufficient vacant land for residential use with appropriate standards, in relation to zoning for nonresidential use, and in relation to growth projections of the general plan to meet housing needs for all income categories as identified in the housing element of the general plan. For the purposes of this section:~~

~~(1) “Appropriate standards” means densities and requirements with respect to minimum floor areas, building setbacks, rear and side yards, parking, the percentage of a lot that may be occupied by a structure, amenities, and other requirements imposed on residential lots pursuant to the zoning authority which contribute significantly to the economic feasibility of producing housing at the lowest possible cost given economic and environmental factors, the public health and safety, and the need to facilitate the development of housing affordable to persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, and to persons and families of lower income, as defined in Section 50079.5 of the Health and Safety Code. However, nothing in this section shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to construct this housing.~~

~~(2) For purposes of this section, “sufficient vacant land for residential use” means that amount of privately owned vacant land within the jurisdiction's territorial limits or sphere of influence that satisfies all of the following:~~

~~(A) Is physically suitable for housing development.~~

~~(B) Is without legal constraints to housing development.~~

~~(C) Accommodates the jurisdiction's 20-year need for new housing units if developed at the minimum applicable densities.~~

1 ~~(3) Sufficient vacant land for residential use does not include~~
2 ~~an agricultural preserve pursuant to Chapter 7 (commencing with~~
3 ~~Section 51200) of Part 1 of Division 1 of Title 5.~~

4 ~~(b) Nothing in this section shall be construed to require a city,~~
5 ~~county, or city and county in which less than 5 percent of the total~~
6 ~~land area is undeveloped to zone a site within an urbanized area of~~
7 ~~that city, county, or city and county for residential uses at densities~~
8 ~~that exceed those on adjoining residential parcels by 100 percent.~~
9 ~~For the purposes of this section, “urbanized area” means a central~~
10 ~~city or cities and surrounding closely settled territory, as defined~~
11 ~~by the United States Department of Commerce Bureau of the~~
12 ~~Census in the Federal Register, Volume 39, Number 85, for~~
13 ~~Wednesday, May 1, 1974, at pages 15202-15203, and as~~
14 ~~periodically updated.~~

